

LAFCO of Napa County

Local Agency Formation Commission

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MEMORANDUM

July 7, 2003

TO: Local Agency Formation Commission

FROM: Keene Simonds, Analyst

SUBJECT: Comprehensive Water Service Study: Commission Workshop
General Policy Determinations

At its June 12, 2003 meeting, the Commission conducted a public workshop on the *Comprehensive Water Service Study – Public Workshop Report*. During the course of the ensuing discussion, the Commission expressed interest in exploring potential policy options with respect to public water service in Napa County. Specifically, the Commission raised the issue of responding to information presented during the service review which is deemed incongruent with its legislative responsibilities to encourage planned orderly growth. For example, what measures should the Commission consider if it determines during the course of the service review that an agency is unprepared to handle future system demands?

The underlying objective of the municipal service review process is the development of written determinations pursuant to Government Code §56430. As part of this service review process, the Commission has the opportunity to identify beneficial policies aimed at encouraging proper water supply planning among public service providers in Napa County. To this end, the Commission may want to consider discussing general policies that are advantageous for the orderly growth of local public agencies as it relates to water service. These policies can then be applied as preconditions of the Commission's consideration of any agency's request for a change in its organization, whether it is a sphere of influence amendment or annexation application.

Possible policy determinations designed to assist the Commission in this endeavor could include requiring a service provider to be in compliance with the requirements prescribed by the agencies responsible for overseeing water service and resources in California. These agencies are the Department of Health Services (DHS) and the Department of Water Resources (DWR). Both of these agencies have established guidelines for water service providers that include submitting mandatory analysis involving the management of their water systems and sources of supply on a regular basis.

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DHS, which has primary regulation of all public water systems, is responsible for administering and enforcing domestic water quality standards established under California's Safe Drinking Water Act. As part of this act, all operators of public water systems are required to have a domestic water supply permit prior to initiating service. As part of the permit process, each applicant is required to submit a technical report containing a description of its supply and distribution system, service area, and system demands. Once permitted, operators of public water systems must provide DHS with regular coliform sampling results in addition to semi-annual inorganic chemical monitoring assessments (i.e., arsenic). Operators are also required to provide DHS with a certified copy of their annual "consumer confidence report."¹ Potential general policy determination: any agency empowered and responsible for providing potable water service must have a valid domestic water supply permit from the Department of Health Services as a precondition for requesting a change in its organization.

In 1983, in an effort to implement effective water management and conservation strategies among larger urban water suppliers, the California Legislature passed the Urban Water Management Planning Act (UWMPA). The act states that all publicly and privately owned urban water service providers serving more than 3,000 customers and/or supplying more than 3,000 acre-feet annually shall prepare an "urban water management plan." As part of the urban water management plan, each affected supplier must describe its delivery system and evaluate the reliability of its water source under varying hydrological conditions to ensure the efficient use of all available supplies. Each supplier must take into account past and future water demands among different customer classes. Types of classes specified in the act include demands generated from single-family residential, multi-family residential, commercial, industrial, institutional, landscape, and agricultural customers. All urban water management plans must be updated and adopted once every five years on or before December 31, in years ending in five and zero.² In the event an affected supplier does not prepare and adopt an urban water management plan, it is ineligible to receive financial or drought assistance drawn from the state's Safe, Clean, Reliable Water Supply Act and the Costa-Machado Water Act of 2000. Potential general policy determination: any potable water agency serving more than 3,000 connections and/or supplying more than 3,000 acre-feet annually must have an updated urban water management plan on file with the Department of Water Resources as a precondition for requesting a change in its organization.

¹ Under a local primacy delegation agreement with DHS, the Napa County Department of Environmental Management is assigned jurisdiction of local public water systems serving fewer than 200 service connections; public water systems with 200 or more service connections are regulated by DHS' regional office in Santa Rosa.

² An affected agency may satisfy the requirements of the UWMPA by participating in an area-wide or regional plan with other suppliers.